

year-old businesses started through one Nicaraguan partner agency accessed loans for business expansion. Several evaluations of the sustainability and impact of Trickle Up's work showed the following results: in El Salvador, 58% of the businesses are continuing after five years; in Guatemala, 90% of 2- to 4-year-old businesses are continuing; and in Ecuador, 90% of the businesses begun by parents of working children were continuing after 18 months and helped reduce the hours worked by their children by 20%.

U.S. Update: Trickle Up helped start or expand 108 businesses through 17 Coordinating Agencies in 8 states. Expansion is planned along the eastern seaboard with a new grant size.

Europe: 22 micro enterprises. The Program remained active in Armenia and expanded to Georgia and Romania. The Peace Corps continues to be Trickle Up's main partner in the region.

In 1996, Trickle Up continued to fulfill its mission of reducing poverty by enabling the very poor to start or expand small businesses. Trickle Up accomplishes this with the generous support of foundations, corporations, organizations and individuals—many of them entrepreneurs. Trickle Up continues to rely on those who find in the Trickle Up process a way to make a difference and reduce poverty—one business at a time. Trickle Up brings the poor more than seed capital; it brings dignity, a job, self-confidence and real hope for a better future. Trickle Up has helped people start or expand nearly 60,000 businesses. Our goal is to start 100,000 by the millennium.

<i>Income Sources</i>	<i>Percent</i>
Foundations	41
Individuals	33
Corporations	6
Organizations	6
Governments	14

The Program: The Trickle Up Program provides business training material and micro-venture capital of \$100 to a family or group of 3 people to start a business. This start-up capital is conditioned upon investment of 250 hours or work per participant in three months, savings or reinvestment of 20% of the profit in the enterprise, and completion of a Trickle Up Business Plan and Business Report. The capital is given in two \$50 installments.

The Partners: The program is delivered through a network of "Coordinating Agencies", locally based organizations around the world who volunteer their services to Trickle Up. This partnership enables grass-roots agencies to incorporate a micro-enterprise component in their development work.

TESTIMONY OF PATRICK A. TRUEMAN

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1997

Mr. DOOLITTLE. Mr. Speaker, I commend to the attention of my colleagues the testimony of Patrick Trueman, president of the American Family Association, who appeared before the Interior Appropriations Subcommittee concern-

ing funding for the National Endowment for the Arts. Mr. Trueman makes a compelling case for eliminating the NEA, claiming the agency poses serious problems in the prosecution of child pornography cases.

AMERICAN FAMILY ASSOCIATION

Pursuant to clause 2(g)(4) of the rule XI of the Rules of the House of Representatives, I certify that neither the American Family Association nor I have received any federal grant or contract during the current fiscal year or either of the two previous fiscal years.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: I want to thank you for the opportunity to appear before you today on behalf of American Family Association. As you are aware, for the past eight years AFA has been the leading organization opposing federal funding for the National Endowment for the Arts. In 1989, AFA president Rev. Donald Wildmon called to national attention the funding by the NEA of Andres Serrano's work "Piss Christ" which consisted of a crucifix submersed in the artists' urine. The fact that such a blasphemous work was federally funded outraged a great segment of American society and precipitated a battle to end federal funding of the agency. That battle will not end until funding for the NEA ends, rest assured of that fact.

The federal government should not be in the business of dictating what art is. That is not a proper function for the government and, in the case of the NEA, such a function poses a potential conflict with the federal criminal law. Year after year NEA grants make possible the production and distribution of a variety of sexually explicit material. During the last part of the Reagan Administration and during the entire Bush Administration I served in the United States Department of Justice, Criminal Division, Washington D.C. as Chief of the Child Exploitation and Obscenity Section. That office is charged with the prosecution of obscenity and child pornography crimes. Part of my job, as supervisor of the office was to review and make prosecutorial decisions on both adult and child pornography. Much of what we prosecuted in those two presidential administrations involved material of the same nature as that funded through the years by the NEA. Mr. Chairman, how can you expect common citizens to respect the rule of law, particularly the federal criminal law on child pornography and obscenity when Congress continues to fund the NEA knowing the agency has a pattern of conduct over the years and to the present day of funding material which may offend the criminal law. To continue to do so would be the height of hypocrisy.

I submit that the NEA poses a direct threat to the prosecution, on both the federal and state levels, of obscenity and child pornography crimes. In obscenity cases a jury is required to make a determination that the material is "obscene" based on the three-part test established in the U.S. Supreme Court case of *Miller v. California*, 413 U.S. 15 (1973): whether the material (1.) depicts specific sex acts in a patently offensive way; (2.) appeals to the prurient interest in sex as a whole; and (3.) lacks serious literary, artistic, political or scientific value. (emphasis added) It would be a relevant defense argument that material similar to that charged in a particular prosecution if funded

by the NEA as "art." Indeed it may be appropriate, on motion from the defense, for a judge to allow a jury to view a specific NEA-funded work that is similar to the work charged as obscene in the case to aid the jury in the application of the Miller test. Surely you can understand the dilemma this would pose to a jury which must make a unanimous finding on the obscenity or non obscenity of the material. Just one juror trusting the federal governments' opinion on the nature of such material would cause the acquittal of a hardcore pornographer.

The problems the NEA could pose in the prosecution in a child pornography case are somewhat different. The Miller test does not apply and thus a jury is not asked to decide whether the material is lacking in artist value. However, the imprimatur of the NEA on such material or similar material may play a deciding factor in prosecutorial discretion, i.e. whether a case should be prosecuted or not.

Should a case be charged against a particular NEA grantee for a work considered by a prosecutor to be child pornography (not an unlikely scenario given the history of the agency) the dilemma is more direct however. It would be difficult if not impossible to keep from a jury a defense argument that the material charged is not child pornography at all but rather "art" because the NEA has provided funding for its production or distribution.

The threat that the NEA poses in the prosecution on obscenity and child pornography cases is not merely hypothetical. The difficulties I have outlined in this regard were faced by the U.S. Department of Justice during my years in the criminal division with respect to the funding by the NEA of an exhibit by the late Robert Mapplethorpe.

The American Family Association is convinced after years of monitoring the NEA that the agency will never change. While it is only a small portion of its annual budget the NEA continues to fund pornographic works as "art." Some of the more recent and troubling works funded by the agency include grants to a group called FC2 and another called Women Make Movies, Inc. FC2 was provided \$25,000 in the past year to support the publication of at least four books according to U.S. Representative Peter Hoekstra who has been tracking the NEA: S&M, by Jeffrey DeShell, Blood of Mugwump: A Tiresian Tale of Incest, by Doug Rice, Chick-Lit 2: No Chick Vics, edited by Cris Maza, Jeffrey Deshell and Elisabeth Sheffield and Mexico Trilogy, by D.N. Stueffloten. These books include descriptions of body mutilation, sadomasochistic sexual act, child sexual acts, sex between a nun and several priests, sodomy, incest, hetero and homosexual sex and numerous other graphically described sexual activities.

Women Making Movies, Inc. received \$112,700 in taxpayer money over the past three years for the production and distribution of several pornographic videos. Here are descriptions of but two taken from the groups catalog: "Ten Cents a Dance" a depiction of anonymous bathroom sex between two men; and another called "Sex Fish" which is "a furious montage of oral sex."

Oral sex is not art and the NEA and Congress should not pretend that it is. Please stop offending the taxpayers of America. Funding for the NEA should be eliminated.